

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)
)
v.) No. 1:21-cr-245 (AJT)
)
IGOR Y. DANCHENKO,)
)
Defendant.)

**GOVERNMENT'S MOTION FOR PROTECTIVE ORDER UNDER
SECTION 3 OF THE CLASSIFIED INFORMATION PROCEDURES ACT**

The United States of America respectfully moves this Court, pursuant to Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 (2006) ("CIPA"); the Security Procedures established pursuant to Pub. L. 96-456, 94 Stat. 2052, by the Chief Justice of the United States for the Protection of Classified Information (reprinted following CIPA Section 9); Rules 16 and 57 of the Federal Rules of Criminal Procedure; the general supervisory authority of the Court; and to protect the national security, to enter the attached proposed Protective Order ("Proposed Order") regarding the disclosure and dissemination of classified national security information and documents. Counsel for the defendant Igor Danchenko have reviewed the Proposed Order and stated that they have no objections to the Proposed Order.

In support of this motion, the government states that the defendant has been indicted for Making False Statements in violation of Title 18, United States Code, Section 1001. The government foresees the possibility of classified evidence being offered during this case. Moreover, the defense counsel may raise defenses which the Court may find requires defense counsel to be provided access to certain United States government documents and information classified at the "Confidential," "Secret," and "Top Secret" levels, and which is further controlled

as "Sensitive Compartmented Information" and/or "Special Access Program" information. "Top Secret" information is information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. Exec. Order No. 13526, §1.3(a)(1), 3 C.F.R. 333, 335 (1995 Comp.). "Secret" information is information the unauthorized disclosure of which could be reasonably expected to cause serious damage to the national security. Id. §1.3(a)(2), 3 C.F.R. at 336. "Confidential" information is information the disclosure of which could be reasonably expected to cause damage to the national security. Id. §1.3(a)(3), 3 C.F.R. at 336. Sensitive Compartmented Information (SCI) is information that requires special controls for restricted handling within compartmented systems and for which compartmentation is established. 32 C.F.R. §159a.9(ii). "Special Access Program" ("SAP") information refers to information within a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level. Exec. Order No. 13526, §4.1(h), 3 C.F.R. at 348. Accordingly, it is necessary that there be no disclosure or dissemination of classified documents or information except as provided by order of this Court.

The Court is respectfully advised that the government counsel identified in Paragraph 11 of the Proposed Order hold United States government security clearances which authorize them to have access to the classified information involved in this case. The government has been informed that defense counsel hold Top Secret security clearances with the Classified Information Security Office and the defense's paralegal assigned to this case currently is in the process of obtaining the relevant security clearances.

Of course, any classified information disclosed to the defendant or defense counsel must be properly handled under the terms of the proposed Protective Order.

WHEREFORE, the government respectfully moves that the Court issue the attached Protective Order.

Respectfully submitted,

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By: _____ /s/

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Dated: December 14, 2021